



Brooklyn Defender Services
177 Livingston St., 7th Fl.
Brooklyn, NY 11201

Tel (718) 254-0700
Fax (718) 254-0897
info@bds.org

Visitor Center
156 Pierrepont St.
Brooklyn, NY 11201

TESTIMONY OF:

**Alexandra Dougherty, Senior Staff Attorney and Policy Counsel
Civil Justice Practice**

BROOKLYN DEFENDER SERVICES

Presented before

**The New York City Council
Committee on Public Housing**

**Oversight Hearing Examining the Causes of Vacancies In New York City Housing Authority
Properties.**

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Introduction

My name is Alexandra Dougherty, and I am a Senior Staff Attorney and Policy Counsel in the Civil Justice Practice at Brooklyn Defender Services. BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. I want to thank the Committee on Public Housing and Chair Avilés for inviting us to testify today about the causes of vacancies in New York City Housing Authority (NYCHA) properties and the impact of move-in delays on the people we serve.

BDS represent approximately 22,000 people each year who are accused of a crime, facing loss of liberty, their home, their children, or deportation. Our staff consists of specialized attorneys, social workers, investigators, paralegals and administrative staff who are experts in their individual fields. BDS also provides a wide range of additional services for our clients, including civil legal advocacy, assistance with educational needs of our clients or their children, housing, and benefits advocacy, as well as immigration advice and representation.

BDS' Civil Justice Practice aims to reduce the civil collateral consequences for the people we serve who are involved with the criminal, family, or immigration legal systems. The people we serve experience housing instability in a variety of ways: we defend people from eviction in housing

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court, provide proactive relocation assistance and benefits advocacy, and help clients navigate the shelter system. Our Civil Justice Practice works with both NYCHA tenants and applicants. Our housing attorneys represent NYCHA tenants across Brooklyn in termination cases as well as affirmative repairs cases. We also advocate for safety transfers, help clients adjust their rent, and assist with annual recertifications. Our housing specialist supports NYCHA applicants from the initial application phase, through move in. Through this work we see both the profound stabilizing effect that NYCHA housing can have for our clients by providing one of the only truly permanent affordable housing options in the city, as well as the substantial challenges our clients face attempting to access NYCHA public housing.

NYCHA Move in Delays and Family Separation

As a legal services provider with both a substantial family defense practice and a specialized housing team, we are in the unique position to support many clients every year with applications for the NYCHA priority for ACS-involved families (referred to as “N-0 priority”). The ACS-NYCHA priority is designed to expedite permanency for children in foster placement when “the primary barrier to reunification is the lack of adequate housing.”¹ Many of the parents we represent who are deemed ready by a judge to reunify with their children in a foster placement are hindered by a lack of stable, affordable housing. After completing mandated services and going through onerous and traumatic investigations, family separation, and court proceedings, housing instability may prevent a child from being returned to their parent’s care. The N-0 priority offers a vital opportunity for these families to reunify and secure stable permanent housing together.

The effectiveness of this essential program is severely undermined by major delays in turning over NYCHA apartments between tenants and extreme move-in delays for families. Once a parent is referred by ACS to NYCHA for the N-0 priority, completes the NYCHA eligibility screening process, and has their application certified, it can take an additional 6 months to 1 year—if not longer—to be merely offered an apartment. Families then wait as long as a year or more before they can move in. This waiting period is already troublingly long for parents who need housing in order to have their children returned to their care. However, in recent years we have also seen extremely troubling delays in getting new tenants moved in after they have been offered an apartment.

As the NYCHA process currently works, NYCHA contacts applicants on the waitlist when apartments become available, applicants view the apartment and pay move-in fees, and then NYCHA prepares the apartment for move-in by conducting environmental testing and making repairs. Recently, people we serve have had to wait between 9 to 18 months for the testing and repairs process to conclude. This means that many of our clients who are experiencing homelessness or housing instability and waiting on housing to reunify with their children, are waiting between a year and a half and three years after their priority application is certified to actually access housing.

¹ NYC ACS, *Housing Services for APPLA Youth*, 2011, Available online at <https://www1.nyc.gov/assets/acs/policies/init/2011/C.pdf>

This waiting time has a dire impact on families. One person we represent, Ms. C, had her N-0 application certified by NYCHA in July 2021. In January 2022, she received a letter from a NYCHA development informing her that she had been selected for an apartment. In February 2022, Ms. C viewed the apartment and paid move-in fees through a One Shot Deal from HRA. She was told by a manager at the development that she would receive a call when the apartment was ready and she could come pick up the keys. Every few weeks for the next several months, Ms. C called the development to check on her apartment. Each time she was told there was no new information and that she needed to be patient. In April, our office reached out to NYCHA's application and tenancy administration for an update. We were given an anticipated move-in date of April 15, 2022. That date came and went. We were then given May 25, 2022 as the new date. That date also passed. We continued to follow up with the development, NYCHA's central office, and ACS's housing team between June and September 2022. We were given conflicting information about what environmental testing had been done and what repairs were still outstanding. At the end of August we were promised the apartment would be ready on October 1. That date also passed. Ms. C was not able to move-in until late October 2022. Ms. C waited 10 months from when she was offered an apartment—and paid move-in fees—to the date she moved into her apartment. She was given 5 separate move-in dates that NYCHA failed to meet. During this time, Ms. C's children remained in the foster system—ready to be returned to her care when she had stable housing. Because of NYCHA's delays preparing the apartment for move-in, Ms. C was delayed in reunifying with her children for almost a year. Additionally, the runaround she got from NYCHA caused Ms. C, and her children, significant distress as they were unable to plan for their future together.

Children in NYC's foster system remain in placements on average for 2 years; 6 months longer than children outside NYC. Lack of stable housing contributes to these long stays and prolongs ACS involvement. Families who have been awarded an N-0 priority lose that priority status if they are reunited with their children in a shelter and not a NYCHA apartment or if their ACS case is resolved. Therefore, in our experience, many families choose to keep their ACS cases open, forced to delay reunification with their children and to subject themselves to longer periods of surveillance, for the sole purpose of maintaining their priority status and eventually gaining access to a NYCHA apartment. Children and families suffer long-term trauma by these prolonged periods of separation and surveillance. While NYCHA provides critical access to permanent affordable housing and family stability, when apartments sit empty for months or years awaiting environmental inspection or repairs, New Yorkers face unnecessary delays in safety and stability.

Waitlists and Apartment Readiness

The people we serve without NYCHA priority applications are also affected by these delays. Applicants on the general NYCHA waitlist, most of whom wait well over a decade to be offered an apartment, are also encountering extreme delays in apartment readiness after they are offered an apartment and pay move-in fees. Ms. A applied for NYCHA housing in 2009 and her application was certified in 2013. In April 2021, Ms. A was offered an apartment and paid the first month's rent and security deposit. Nearly two years later, Ms. A is still waiting to move into that empty apartment. In the 14 years since Ms. A originally applied to NYCHA, she has not had stable housing. She is

desperate to move into her apartment and feels like it will be an essential step towards rebuilding her relationship with her son and expanding visitation.

BDS also represents many current NYCHA tenants who qualify for emergency transfers because they are experiencing domestic violence or are victims of crimes. These transfers are approved when NYCHA deems that a person is unsafe in their current housing. However, due to move-in delays, many people we serve have been waiting in dangerous situations for a year or longer after their emergency transfers have been approved for NYCHA to get their new apartments ready.

One client, Ms. T, applied for an emergency transfer in early 2020 after repeated threats from an ex-partner led to a conflict in which they were both arrested. Ms. T was offered an apartment in November 2020, but after repeated attempts to reach the management office she discovered that they had given the apartment to someone else and she had to re-apply for a transfer. With the help of our office, Ms. T re-applied for a transfer and was approved. In March 2021 the second transfer was approved. During this time Ms. T continued to experience threats and harassment and was terrified to leave her apartment. In February 2022, two years after she first applied, Ms. T was offered a new apartment. After several months of waiting for her keys, both Ms. T and our office reached out repeatedly to the NYCHA transfer office and the NYCHA development. We weren't able to get an update until October 2022 and Ms. T was not able to move in until the end of November 2022. It took NYCHA 10 months to turn around her apartment once it was available. During this time, and the 2 previous years of waiting, Ms. T was in constant fear for her safety.

Another person we represent, Ms. G, was granted a safety transfer after an abusive former partner located her and attacked her in the NYCHA building. After being offered a new apartment, it took 6 months of advocacy from our office and management at ACS for Ms. G to get access to her new apartment.

Recommendations

NYCHA provides critical access to permanent affordable housing for low-income New Yorkers. When apartments sit empty for months or years awaiting environmental inspection or repairs, New Yorkers face unnecessary delays in safety and stability. We respectfully offer the following recommendations to improve transparency and expedite move-in timelines:

- The council should require NYCHA to regularly report on length and type of vacancies
 - This reporting should include details regarding turn around times to move in new tenants from the time of initial approval through the final move in date
 - It should also include detailed data describing the reason for vacancy, including the reason for delays in readiness, as well as vacant apartments held as hospitality suites
- The council should require NYCHA to set guidelines for apartment inspections, repairs, and move-in readiness timelines, and to report on compliance with those guidelines
 - These time-based guidelines should cover the entire apartment turn-around process to ensure that additional delays do not arise between each stage of the process



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- The council should work with NYCHA to identify the root causes of the delays in apartment readiness and ensure that NYCHA has the staff and funding to conduct the required environmental testing and complete repairs on vacant apartments in a timely manner.
- The council should work with NYCHA to ensure that management offices are regularly trained about the apartment turn-around process, including scheduling inspections and repairs, and have systems in place by which move-in related information is clearly and timely communicated to applicants

Conclusion

Permanent affordable housing is the foundation many New Yorkers, including the people we serve, need to find stability in their lives. Stable housing helps our clients favorably resolve their criminal cases and reunite with their children after ACS involvement, maintain jobs and allow children to remain in school. BDS supports NYCHA's efforts to improve its inspection and repairs processes, but drastic changes are necessary to ensure that families do not face unnecessary delays in safety and stability while NYCHA apartments sit vacant.

Thank you for your time and consideration of our comments. We look forward to further discussing these and other issues that impact the communities we serve. If you have any additional questions, please contact Alex Dougherty, Senior Attorney and Policy Counsel, at adougherty@bds.org.